

**Notice of Allowability**

Application No.

10/662,801

Examiner

Angel R. Estrada

Applicant(s)

HULL ET AL.

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2831

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on June 30, 2004.
2. ☒ The allowed claim(s) is/are 6,8-13,15 and 17-44.
3. ☒ The drawings filed on 15 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

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1. Claims 6, 8-10 and 20-44 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 6, 8-10 and 20-44 are:

Regarding claims 6, 8-10 and, 20-23, the prior art does not teach or fairly suggest in combination with the other claimed limitation a spacer extending from said first end wall in a direction away from second end wall, configured to abut the side surface of the stud and space the entire first end wall from the side surface of the stud when said frame is in said end mounted position.

Regarding claims 24-27, the prior art does not teach or fairly suggest in combination with the other claimed limitation a spacing element coupled to said at least one end wall and configured to space the entire at least one end wall a distance from a side wall of a stud when in the end mounted position.

Regarding claims 28-34, the prior art does not teach or fairly suggest in combination with the other claimed limitation means for spacing the entire wall structure a distance from a stud and for stabilizing the wall structure relative to a stud when the wall structure is in the end mounted position.

Regarding claims 35-37 the prior art does not teach or fairly suggest in combination with the other claimed limitation an extension extending from said first end wall to a location rearward from said side walls, and a stabilizer extending from said extension into abutting contact with the stud at a location rearward from said side walls

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when said frame is in said end mounted position.

~~Regarding claim 38, the prior art does not teach or fairly suggest in combination~~  
with the other claimed limitation said spacing element being fastener support configured to capture a stud-penetrating fastener that fastens said bracket to a stud when the wall structured is in a side mounted position in which said first side wall faces a stud.

Regarding claim 39, the prior art does not teach or fairly suggest in combination  
~~with the other claimed limitation said spacing element comprising an extension that~~  
extends from and is coplanar with the at least one end wall, and a least one stabilizing member that extends outwardly from the extension, said at least one stabilizing member being configured to abut a side surface of a stud.

Regarding claims 40-41, the prior art does not teach or fairly suggest in combination with the other claimed limitation the means for spacing and stabilizing comprises an extension surface that is coplanar with and extends from the at least one end wall, said extension surface being configured to stabilize the wall structure relative to a wall stud when in an end mounted position.

Regarding claims 42-44, the prior art does not teach or fairly suggest in combination with the other claimed limitations the means for spacing and stabilizing comprising a fastener support extending from the least one end wall and configured to capture a stud penetrating fastener for fastening the wall structure to a stud when the wall structure is in a side mounted position, the fastener support configured to abut a side surface of a stud; an extension surface extending from an coplanar with the at least one end wall and a stabilizing member extending from the extension surface configured

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to abut a side surface of a stud.

These limitations were found in claims 6, 8-10 and 20-44, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**


2. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

July 22, 2004

 7/26/04  
DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800